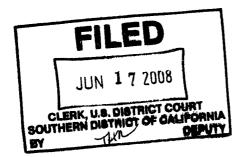
Case 2:08-mj-08545-PCL

Document 1



## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	) Magistrate Case No.: ) <b>'08 MJ 85 4</b> 5
Plaintiff,	
V.	) COMPLAINT FOR VIOLATION OF
Raymond ORTEGA (1),	<ul><li>) 21 U.S.C. § 952 and 960</li><li>) Importation of a Controlled Substance</li><li>) (Felony)</li></ul>
Angel Jesus RODRIGUEZ (2),	)
Defendants.	) )

The undersigned complainant being duly sworn states:

On or about June 16, 2008, within the Southern District of California, defendants Raymond ORTEGA and Angel Jesus RODRIGUEZ did knowingly and intentionally import approximately 58.26 kilograms (128.17 pounds) of marijuana, a Schedule Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 17<sup>th</sup> DAY OF JUNE, 2008.

S. MAGISTRATE JUDGE

**UNITED STATES OF AMERICA** 

v. Raymond ORTEGA (1) Angel Jesus RODRIGUEZ (2)

## STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U.S. Immigration and Customs Enforcement Special Agent Douglas Struckmeyer.

On June 16, 2008, Raymond ORTEGA and Angel Jesus RODRIGUEZ entered the United States at the Calexico, California, West Port of Entry. ORTEGA was the driver and RODRIGUEZ was the passenger of a 1996 Chevrolet Gladiator van registered to Rigoberto SANCHEZ, ORTEGA's brother.

Customs and Border Protection Officer (CBPO) D. Pizano took a negative Customs declaration from ORTEGA and RODRIGUEZ. At the time of their entry, ORTEGA had identified himself as Rigoberto SANCHEZ and had presented a valid California driver's license bearing the same name. ORTEGA and RODRIGUEZ stated they had travelled into Mexico in order to visit family for Father's Day. CBPO Pizano referred ORTEGA, RODRIGUEZ, and the vehicle to the vehicle secondary area for further inspection.

CBPO O. Hurtado encountered ORTEGA and RODRIGUEZ in the secondary inspection area. CBPO HURTADO received negative Customs declarations from ORTEGA and RODRIGUEZ. After a brief interview, CBPO Hurtado requested Canine Enforcement Officer (CEO) B. Pyburn screen the vehicle with his Narcotic Detector Dog (NDD). The NDD alerted to the presence of an odor of a controlled substance coming from the roof of the vehicle. A search of the vehicle's roof resulted in the discovery of

51 packages hidden within a false roof. The packages contained a green leafy

substance which field-tested positive for marijuana. The total weight of the packages

 was 58.26 kilograms (128.17 pounds).

Special Agents (S/A) D. Struckmeyer and B. Wood interviewed ORTEGA and RODRIGUEZ. S/A Struckmeyer furnished each individual with their constitutional rights

RODRIGUEZ. S/A Struckmeyer furnished each individual with their constitutional rights per Miranda in English with S/A Wood present. Each individual orally waived their rights, as well as signing the written waiver of rights, agreeing to make a statement.

ORTEGA stated he was hired by RODRIGUEZ to smuggle the marijuana into the United States. ORTEGA stated RODRIGUEZ was going to pay him, "...a couple of grand," for smuggling the marijuana. ORTEGA stated RODRIGUEZ provided him with the vehicle and he registered the vehicle in his brother's name. ORTEGA said he also used his brother's California driver's license to enter the United States because he does not have a valid driver's license. ORTEGA stated RODRIGUEZ organized the marijuana load through his uncle and that RODRIGUEZ has smuggled marijuana from Mexicali in the past.

RODRIGUEZ stated he had no knowledge of the marijuana in the vehicle. RODRIGUEZ stated ORTEGA invited him to go to Mexicali to spend Father's Day with members of ORTEGA's family, and he had never been to Mexicali prior to this trip. RODRIGUEZ also claimed he had never been in the van prior to this trip. RODRIGUEZ claimed he and ORTEGA only stayed in Mexico for approximately three to four hours, and they did not visit ORTEGA's family while they were in Mexico.